

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1158 of 1989

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

- =====
1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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JIVANJI RAMAJI

Versus

STATE OF GUJARAT  
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Appearance:

MR KS JHAVERI for Petitioners  
MR SP HASURKAR for Respondent No. 1  
MR PR JOSHI for Respondent No. 2, 3, 4  
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CORAM : MISS JUSTICE R.M.DOSHIT  
Date of decision: 17/06/2000

ORAL JUDGEMENT

Heard the learned advocates.

The petitioners, 17 in all, are the Armed Police  
Constables serving under the respondents herein. The

petitioners claim that they are better educated and are eligible for appointment to the post of Unarmed Police Constables. The post of Unarmed Police Constables under the respondent no.3, therefore, ought to be filled in by transfer of the present petitioners. The reliance has been placed upon the Circulars dated 6th March, 1979 and 24th October, 1985. It is contended that in several districts, the posts of Unarmed Police Constables are filled in by transfer of Armed Police Constables who are better educated and are eligible for such appointment, a similar benefit should be conferred upon the present petitioners also.

The question that arises is whether the posts of Unarmed Police Constable can be filled in by transfer of Armed Police Constables who may be otherwise eligible for such appointment. The matter at issue is no more res integra. The Division Bench of this court (Coram : A.P.Ravani & D.G.Karia JJ) by its judgment dated 31st January, 1994, rendered in Special Civil Application No. 2805/82 has negatived an identical claim made by the Gujarat State Police Constables Karmachari Mandal. A similar view has been expressed by this court in the matter of AMRUTBHAI DHANUBHAI RATHOD & ANR VS STATE OF GUJARAT ( 1998 {2} GLR, 1284).

In view of the above referred two binding judgments, the petition is dismissed. Rule is discharged. Interim relief is vacated.

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JOSHI